

PARTIAL
2:24-cr-00155-JAD-DJA • September 25, 2024

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
) Case No. 2:24-cr-00155-JAD-DJA
Plaintiff,)
) Las Vegas, Nevada
vs.) September 25, 2024
) 8:57 a.m. - 9:17 a.m.
MICHELE FIORE,) Courtroom 6D
) JURY TRIAL, DAY 2
Defendant.) OPENING STATEMENTS

CERTIFIED COPY

REPORTER'S *PARTIAL* TRANSCRIPT OF PROCEEDINGS
JURY TRIAL, DAY 2, OPENING STATEMENTS
BEFORE THE HONORABLE JENNIFER A. DORSEY
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Government: **ALEXANDER B. GOTTFRIED, ESQ.**
DAHOUH ASKAR, ESQ.
U.S. DEPARTMENT OF JUSTICE
1301 New York Avenue NW
Washington, D.C. 20001
(202) 368-1667

(Appearances continued on page 2.)

Court Reporter: Amber M. McClane, RPR, CRR
United States District Court
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Las Vegas, Nevada 89101
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1 APPEARANCES CONTINUED:

2 For the Defendant:

3 **MICHAEL W. SANFT, ESQ.**

SANFT LAW

4 411 East Bonneville Avenue, Suite 360

Las Vegas, Nevada 89101

5 (702) 497-8008

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1 LAS VEGAS, NEVADA; WEDNESDAY, SEPTEMBER 25, 2024; 8:57 A.M.

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3 P R O C E E D I N G S

4 *(Beginning of excerpt at 8:57 a.m.)*

5 **GOVERNMENT'S OPENING STATEMENTS**

6 **MR. GOTTFRIED:** Good morning. May it please the
7 Court, Mr. Sanft.

8 Members of the jury, on June 8th, 2014, Officer Alyn
9 Beck and his partner, Igor Soldo, were taking their lunch
10 break at a pizza restaurant in Northeast Las Vegas. Both men
11 were patrol officers with the Las Vegas Metro Police
12 Department. On that day, without provocation, the two
13 officers were ambushed and shot dead as they sat there eating
14 their lunch. The two officers went to work every day to
15 protect the citizens of the Las Vegas Valley, and they were
16 murdered for no reason except the uniform that they proudly
17 wore.

18 In the aftermath of that tragedy, there were many
19 members of the community that rightly sought to honor and
20 remember those officers' sacrifices. The desire to remember
21 the fallen is a natural human impulse. The defendant's
22 decision to take advantage of that impulse is the reason that
23 we're all in court today. You see, members of the jury, the
24 case that you're about to hear is not about the heartless
25 killers that took the lives of Officers Beck and Soldo. The

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1 case that you're about to hear is about a public official, a
2 city councilwoman, who took advantage of those officers'
3 memories for her personal gain.

4 You're going to hear that the defendant, Michele
5 Fiore, started a fake charity and raised tens of thousands of
6 dollars supposedly for the purpose of building a memorial to
7 Officer Alyn Beck. But you're going to hear over the course
8 of this trial that that was a lie. And what's more, the
9 defendant knew that it was a lie.

10 You're going to hear that none of the money that she
11 raised, not one cent, was spent for a memorial to
12 Officer Beck. And during the course of this trial, we're
13 going to follow the money and show you how she spent it: On
14 herself and on her family, paying her rent, her political
15 fundraising bills, for plastic surgery, and for her daughter's
16 wedding.

17 Now, as a result of her actions, the grand jury has
18 charged the defendant with the crime called wire fraud, and
19 the judge has just explained to you what the elements of wire
20 fraud are. And at the end of this trial, she's going to give
21 you -- she's going to reinstruct you on what the elements of
22 wire fraud are. But basically what it means is the defendant
23 told lies in order to obtain money or property and that to do
24 so it involved the use of something called an interstate wire
25 which can be something like the deposit of a check at a bank.

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1 Now, the defendant is charged here with one count of
2 conspiracy to commit wire fraud as well as six individual
3 counts of wire fraud which are related to six specific checks
4 that were written to the defendant based on her false
5 statements.

6 Now, what I want to do now is -- over the next new
7 minutes is to go over -- go over with you some of the evidence
8 that we're going to present at this trial that's going to
9 demonstrate the defendant's guilt beyond a reasonable doubt.
10 And I also want to introduce to you the people who are going
11 to be presenting it.

12 My name is Alex Gottfried. I'm one of two
13 prosecutors on this case, along with my colleague, Mr. Dahoud
14 Askar. And then also seated at counsel table throughout this
15 trial is Special Agent Christina Burt from the FBI who
16 investigated this case and our paralegal, Heather Depremio.
17 We'll get to know each other quite well over the next few
18 weeks, I'm sure.

19 Now you're going to learn that during the events of
20 this case Michele Fiore, the defendant, was a city
21 councilwoman for Ward 6 in the city of Las Vegas. Now, before
22 the defendant came into that office, her predecessor, a man
23 named Steven Ross, had pushed forward an idea to name a park
24 in Ward 6 after Officer Alyn Beck. But you're going to hear
25 that in 2019, after ground was finally broken on the park, the

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1 defendant began raising money from her list of donors,
2 supposedly to build a statue of Officer Beck in front of his
3 namesake park.

4 Now, you're going to see that she did this using two
5 organizations that she controlled, both of which she was the
6 sole signatory on their bank accounts. You're going to hear
7 that she used her political action committee, which was called
8 Future for Nevadans, and she also used a new nonprofit that
9 she had just started called A Bright Present Foundation.

10 You're going to hear that she promised donors, both
11 orally and in writing, that 100 percent of their contributions
12 were going to be used for the Alyn Beck statue. But you're
13 going to hear that 0 percent of their contributions were used
14 for the statue.

15 You're going to learn that neither the sculptor nor
16 Officer Beck's family ever received any money from the
17 defendant or her charity or her political action committee.
18 You're going to hear that the defendant never told her donors
19 that their money wasn't used for the statue. You're going to
20 hear that she never asked her donors whether she could use
21 their money for something besides the statue. And you're
22 going to hear that the defendant never made her donors whole
23 for failing to use their money for the purpose for which she
24 asked it. And during this trial you're going to hear the
25 testimony of donors who were defrauded into giving their money

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1 to Michele Fiore.

2 The people that you're going to hear from come from
3 different backgrounds, and they each had their own reasons for
4 giving. Some of them were friends of Michele Fiore; others
5 didn't even know her. Most of them gave specifically in order
6 to honor Officer Beck, but some gave more generally to support
7 law enforcement and Veterans. The donors that you're going to
8 hear from include business leaders, attorneys, members of a
9 labor union, public officials. One of them is the governor of
10 this state. But the donors that you hear from all have this
11 in common: All of them gave because they wanted to make a
12 charitable donation, and none of them would have given if they
13 thought the defendant was going to spend their money on her
14 personal expenses.

15 But you're going to hear that that's exactly what she
16 did. You're going to hear from businesses who received money
17 from Fiore's fake charity during the period that she was
18 raising money for the Beck statue. And you're going to hear
19 how she spent her donors' money: Rent on her half-acre house
20 up in Centennial Hills, printing and fundraising bills for her
21 political campaigns, plastic surgery. You're going to hear
22 that she gave tens of thousands of dollars to a company that
23 was owned by one of her daughters and that she paid thousands
24 more to the venue where her other daughter was getting
25 married.

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1 You're going to see bank records that expose the
2 defendant's theft in black-and-white. You're going to see
3 that in many instances the defendant spent the money on the
4 same day that it came in. You're going to see that in many
5 instances she used donor money to pay bills that she had no
6 other way to pay. You're going to hear from an FBI forensic
7 accountant who followed the money as the defendant used cash,
8 money orders, and transfers to other companies that she
9 controlled in an attempt to cover up and conceal her fraud.

10 Now, fortunately, as you're going to learn during
11 this trial, a statue of Officer Beck was eventually built and
12 erected outside Alyn Beck Memorial Park. It's just that the
13 defendant didn't have anything to do with paying for it.
14 You're going to hear that the statue was donated and paid for
15 in full by a private real estate developer, the same developer
16 that constructed Alyn Beck Memorial Park. In fact, you're
17 going to see that the developer signed a contract with the
18 sculptor and that they had announced their intention to pay
19 for the statue well before the defendant raised the vast
20 majority of the money in this case.

21 We're going to show you that the defendant knew at
22 the time that she raised the money that she had no intention
23 of spending that money on a statute and that she had every
24 intention of spending it on herself. At the end of the day,
25 this case is about a woman who defrauded charitable donors

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1 asking for money to memorialize fallen officers but spending
2 it on her personal and political expenses. It's not any more
3 complicated than that.

4 As you listen to the witnesses and the arguments
5 during the course of this trial, all that we ask of you is
6 that you remain focused on the evidence. And after you hear
7 all the testimony and see the documents, we're confident that
8 there's only going to be one verdict that is consistent with
9 the evidence, and that's a verdict of guilty on all counts.

10 Thank you for your time and attention this morning.

11 **THE COURT:** Thank you, sir.

12 Mr. Sanft, whenever you're ready.

13 **DEFENSE'S OPENING STATEMENTS**

14 **MR. SANFT:** Thank you, Your Honor.

15 Good morning, everyone. Obviously you've heard the
16 Government's intention, what they believe they will be able to
17 show you during the course of the time that we spend together.
18 Now, the one thing, though, and the reason why you are sitting
19 here today as jurors in this case, is that we believe both
20 myself, as well as the Government, that you will reserve your
21 judgment until the very end.

22 Amber, can you turn on the -- can we turn it on?

23 **THE COURT:** The screens?

24 **MR. SANFT:** Yes, please. Sorry.

25 **THE COURT:** No worries. Give us just a second.

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1 **COURTROOM ADMINISTRATOR:** Are you doing it from here
2 or from the table?

3 **MR. SANFT:** From there (indicating).

4 **COURTROOM ADMINISTRATOR:** Okay.

5 **MR. SANFT:** Does everyone see it?

6 **THE COURT:** You don't have monitors? Let's put it on
7 the big screen. Here, we're going to get the big screen up.

8 **MR. SANFT:** Just to warn you, technology is not my
9 friend so --

10 **THE COURT:** It's not this courtroom's friend. So
11 it's not you, Mr. Sanft.

12 **MR. SANFT:** You know, what are you going to do. It's
13 a Mac. Who is the Mac guy in here? I forget. But somebody
14 who works on Macintosh. Yeah, the older ones. Yes.

15 **THE COURT:** All right. It takes it a minute to warm
16 up.

17 **MR. SANFT:** I apologize again.

18 **THE COURT:** Really new technology. It's not you.
19 It's entirely us, so... Thank you, all, for your patience. It
20 won't be the last time that we will have a technical glitch.

21 **MR. SANFT:** As long as the Government can see it,
22 that's all I care about. All right. So it's up there.

23 **THE COURT:** There we go. Can everyone see that now?
24 Thank you.

25 **MR. SANFT:** Now, one of the things that's going to

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1 happen -- thank you, Your Honor, by the way.

2 One of the things that's going to happen in this case
3 is we're going to expect you to keep your common sense
4 throughout the entire time that we spend together. We do not
5 expect you to check your common sense out at the door before
6 walking in here because that common sense -- the reason why
7 you were selected -- is because you are the jurors that will
8 hear this evidence in this case and reserve your judgment.

9 Now, the key phrase and the key thing I want you guys
10 to pay attention to is the following thing; right? And that
11 is, when you look for only one thing, you miss everything
12 else. That is going to be important in this case. That is
13 going to be critical in this case, and you're going to see
14 that.

15 Now, one of the things that you'll also find as well
16 is the evidence will show the following things; right? I'm
17 going to tell you what I believe the evidence will show, what
18 I anticipate the Government's evidence will show us on
19 cross-examination. I do not control the Government's
20 witnesses. I do not control whether they call certain
21 witnesses or not. So everything I'm telling you is
22 anticipated based upon what they have told you who the
23 witnesses will be in this case; right? And some of the names
24 you've already heard in this case.

25 Now, one of the things that you're going to learn is

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1 about standard of performances, and we had talked a little bit
2 about this yesterday; right? We talked about this idea that
3 everyone has a different standard of performance. The
4 standard of performance in this case that is critical is the
5 FBI's standard of performance. Because, in essence, what they
6 do is supposed to search for the truth, and the evidence will
7 show during the time that we spend together that the FBI
8 failed utterly to do a complete and unbiased investigation of
9 Michele Fiore. That's what the evidence will show in this
10 case.

11 Now, one of the things that you're going to learn is
12 that, during the early morning hours of January 27th, 2021, a
13 raid occurred on Michele's home. And you're going to learn
14 that this happens where they do it in early mornings and they
15 do it basically because people are still sleeping and they're
16 not, you know, awake and they don't know what's going on and
17 there's a plan that happens beforehand where they get together
18 and they say, okay, we're going to target this particular
19 house. And then you're going to learn how FBI agents perform
20 searches. You're going to learn that, during the time that
21 they perform searches, everyone's assigned rooms. And it's
22 very systematic. There's a thing in place. And the reason
23 why it's in place is because they want to preserve the
24 integrity of their search, the integrity of their efforts, and
25 their investigation.

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1 It's all FBI procedures; right? It's what they set
2 up for themselves. And not only does it protect their own
3 integrity, but it also protects all of us in terms of how they
4 go about doing their jobs.

5 Now, one thing you're going to learn about a search
6 warrant is they have to ask permission to do so. They can't
7 just walk into your home. They have to sit down and they have
8 to talk to a judge who gives them permission to execute a
9 search warrant on their home. You're going to learn about
10 that as well. Because in the -- in the intention that they
11 have, they tell the Court -- the judge -- what they think
12 they're going to find in the course of their search. And in
13 this particular case, one of the things is: Where is the
14 money?

15 Now, here's the thing. The Government's already told
16 you what they believe they're going to be able to show in this
17 case in terms of where the money went, but whether or not they
18 can show that beyond a reasonable doubt is a question for you
19 and only you to answer.

20 Now, during the course that we spend together, they
21 are alleging that it's wire fraud. Keep in mind wire fraud in
22 this case. The idea of what is a wire fraud. And you're
23 going to learn a little bit about that during the course of
24 the time that we spend together from one of the bank people
25 that will testify in this case about what wire fraud is. But

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1 ask yourself the question: Do you know what wire fraud is?
2 You'll learn about that.

3 Now, in addition, the Government's entire case is
4 built upon this idea of GIGO. Now, what GIGO is, it's an
5 old -- I'm going to date myself here a little bit, but it's an
6 old, like, computing sort of theory that said garbage in,
7 garbage out; meaning, if you put garbage into a system, don't
8 expect nothing more than garbage to come out of the system. If
9 you put good things into the system, you'll get good things
10 out of the system. Sort of like how, you know, back in the
11 olden days you'd eat a lot of Snickers and then you think, you
12 know, you're going to be able to be buff. And I've tried a
13 lot of that, and it doesn't work. That's literally what we're
14 having here. Because the Government's case and what you'll
15 find during the course of the time that we spend together and
16 the evidence that you'll show is that they're not complete.
17 They just are producing garbage in this case. And we all rely
18 on the FBI's work.

19 What you'll also find in the time we spend together
20 is that they don't corroborate with attorneys. They don't
21 call me up and say, hey, we're doing this, is there anything
22 in here that you need that would be what's called exculpatory
23 or evidence that would tend to show that Michele's actually
24 not guilty of the crimes that we're doing. And even the
25 Government, these two young men that are over here that are

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1 going to try this case, even they are beholden to what the
2 FBI's efforts are in this case. It's what the FBI agents did
3 at the time that govern here. So keep that in mind as well.

4 Now, here's what the evidence will show. Ultimately
5 at the end of the day, this is all sloppy. There's going to
6 be sloppy work from the FBI agents. There's also going to be
7 sloppy accounting keeping by Michele Fiore and her daughter
8 who helped her maintain these organizations that the
9 Government's talked about. And at the end of the day, it was
10 sloppy but not criminal. There's a difference there. Just
11 keep that in mind during the course that we spend together.

12 You have to ask yourself the question when you are
13 looking at all the evidence at the end: Was this a complete
14 and unbiased investigation? And the answer will be no.
15 Because when you're only looking for Michele's conviction and
16 not the truth, that's not a complete and unbiased
17 investigation.

18 One of the things you'll also learn during the time
19 that we spend together is the power of the badge, and what
20 that means is FBI agents will come knock on your door and talk
21 to you; right? They'll come knock on the door, show you their
22 credentials, and say, we'd like to have a word with you. Of
23 they'll come to your work and do it there. Typically on the
24 first time or second time, they're not calling you for
25 appointments. They're just coming in, they're showing you the

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1 badge, and sitting down with you. The reason why that's
2 important is because at some point in the future you're going
3 to learn about the efforts of the defense to try to call the
4 same people and how the same people who won't -- who will talk
5 to the FBI won't talk to the defense in this case. The
6 efforts that were made to have that same conversation outside
7 of the fact that, you know, the FBI's doing it. You'll learn
8 about that during the course of the time we spend together.

9 And in addition, bank statements alone do not prove
10 wire fraud. You're going to learn about that.

11 Now, here's the thing. Once again, the theme: When
12 you're only looking for one thing, you miss everything else.
13 And that's been the danger from the Government from the very
14 beginning and the FBI in this case.

15 And what you're going to learn is, is that the FBI
16 has a duty to do their jobs correctly to protect everyone,
17 including Michele Fiore. The lady that's sitting over here
18 that's accused, she also deserves their best, and they did not
19 give that to her.

20 Now, we expect you to hold the Government to their
21 burden of proving what they're telling you today beyond a
22 reasonable doubt. But ultimately what's going to happen is,
23 when you look through the entire case, when you spend all this
24 time together, the evidence will prove out that the Government
25 cannot prove their case beyond a reasonable doubt against

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1 Michele Fiore.

2 Thank you.

3 **THE COURT:** Thank you, Mr. Sanft.

4 *(End of excerpt at 9:17 a.m.)*

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6 COURT REPORTER'S CERTIFICATE

7
8 I, AMBER M. McCLANE, Official Court Reporter, United
9 States District Court, District of Nevada, Las Vegas, Nevada,
10 do hereby certify that pursuant to 28 U.S.C. § 753 the
11 foregoing is a true, complete, and correct transcript of the
12 proceedings had in connection with the above-entitled matter.

13
14 DATED: 9/28/2024

15
16 /s/ Amber M. McClane
17 AMBER McCLANE, RPR, CRR
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UNITED STATES DISTRICT COURT
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